UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK		
UNITED STATES OF AMERICA	x :	
v.	ORDER	
MYKAI DAVIS,	: 14 CR 768-05 (	VB)
Defendant.	: v	

In an undated letter docketed on February 11, 2021 (Doc. #533), defendant asks whether he qualifies for "time credit" against his federal sentence based on a prior conviction that was for conduct that was a part of the instant offense.

For the reasons set forth in the government's letter dated March 23, 2021 (Doc. #541), a copy of which was mailed to defendant, it appears defendant is not entitled to such credit.

However, the Bureau of Prisons ("BOP") has the sole authority to make that determination in the first instance, pursuant to 18 U.S.C. § 3585(b). A prisoner may seek judicial review of the BOP's determination only <u>after</u> exhausting his administrative remedies within the BOP. Therefore, if defendant disagrees with the BOP's computation and then exhausts his administrative remedies within the BOP, and if he then still wishes to challenge the BOP's computation, he may file a petition pursuant to 28 U.S.C. § 2241 in the District Court for the district in which he is currently incarcerated.

Defendant's letter also asks whether the computation of his sentence begins on the date of his re-sentencing, July 10, 2020. For the reasons set forth in the government's letter, it appears that defendant will get credit for time served on his federal case from the date of his arrest, February 19, 2015. Again, that is a determination that will be made in the first instance by the BOP.

To the extent defendant seeks any relief in his letter docketed on February 11, 2021, that request is DENIED.

Chambers will mail a copy of this Order to defendant at the following address:

Mykai Davis, Reg. No. 71995-0545 USP Thomson U.S. Penitentiary P.O. Box 1002 Thomson, IL 61285

Dated: March 29, 2021 White Plains, NY

SO ORDERED:

Vincent L. Briccetti

United States District Judge